



UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
Address: COMMISSIONER FOR PATENTS
P.O. Box 1450
Alexandria, Virginia 22313-1450
www.uspto.gov

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/760,267	01/12/2001	Shimon G. Ziv-el		2649

7590 07/15/2003
SHEREE JOHNSOH-GREGORY
EDUCATIONAL TESTING SERVICE
ROSEDALE ROAD, MAILSTOP 380
PRINCETON, NJ 08544

EXAMINER

HARRIS, CHANDA L

ART UNIT	PAPER NUMBER
----------	--------------

3714

DATE MAILED: 07/15/2003

13

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/760,267

Applicant(s)

ZIV-EL ET AL.

Examiner

Chanda L. Harris

Art Unit

3714

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 30 April 2003.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-35 and 37 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-35 and 37 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☒ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- 11) ☐ The proposed drawing correction filed on _____ is: a) ☐ approved b) ☐ disapproved by the Examiner.
- If approved, corrected drawings are required in reply to this Office action.
- 12) ☐ The oath or declaration is objected to by the Examiner.

Priority under 35 U.S.C. §§ 119 and 120

- 13) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.
- 14) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).
- a) ☐ The translation of the foreign language provisional application has been received.
- 15) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449) Paper No(s) _____.
- 4) ☐ Interview Summary (PTO-413) Paper No(s). _____.
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: _____.

Art Unit: 3714

DETAILED ACTION

Status of Claims

In response to the amendment filed on 4/30/03, Claims 1-35 and 37 are pending.

Specification

The disclosure is objected to because it contains embedded hyperlinks and/or other form of browser-executable code. Applicant is required to delete the embedded hyperlinks and/or other form of browser-executable code. See MPEP § 608.01.

Claim Rejections - 35 USC § 102

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

Claim 26 is rejected under 35 U.S.C. 102(e) as being anticipated by Pellegrino et al. (US 6,149,441).

[Claim 26]: Regarding Claim 26, Pellegrino discloses a Web server (i.e. server computer) at a Web site for publishing Web pages (i.e. Teacher Home Page). See FIG.1 and Col.10: 50-Col.11:7. Pellegrino discloses wherein the teacher's computer

Art Unit: 3714

includes program instructions for importing Web pages associated with one or more external Web sites (i.e. Internet sites) from a file system, placing them in a location on the file system (i.e. lesson material database) on the Web server, and generating a URL (i.e. link) for the location; and wherein the student computers include program instructions for displaying the Web page by selecting the URL (i.e. link). See Abstract.

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 1-7, 9-12, 15-16, 18-19, 21-25 are rejected under 35 U.S.C. 103(a) as being unpatentable over Ziv-El (US 5,438,555) in view of Pellegrino (US 6,149,441).

1. [Claims 1,18]: Regarding Claims 1 and 18, Ziv-El discloses a plurality of student computers (i.e. terminals), each having an input device (i.e. alpha-numeric keyboard) and a screen (i.e. multi-line LCD), and having at least one teacher's computer (i.e. teacher computer) including an input device (i.e. keyboard) and a screen. See Col.1: 48-56, Col.13: 47-52, FIG.1 and FIG.6. Ziv-El discloses at least one data storage server for storage of lessons (i.e. Lesson Storage Buffer), said lessons including exercises having questions (i.e. programmed questions) and multi-character answers. See Col.3: 31-43 and Col.16: 52-64. Ziv-El discloses a response server (i.e. response buffer) in communication with the student computers for processing student responses.

Art Unit: 3714

See Col.11: 45-51. Ziv-EI discloses wherein the student computer includes program instructions for immediately transmitting each character resulting from an input on the student computer, to the response server (i.e. reinforcement provided on every letter); and further comprising comparison and evaluation of the character with a homologous character of at least one answer to the question. See Col.10: 65-Col.11: 2. Ziv-EI discloses wherein the teacher's computer includes program instructions for the teacher's screen to be contemporaneously responsive to the character from a student keystroke and to a result of the comparison and evaluation. See Col.3: 60-62 and Col.17: 18-21.

Ziv-EI does not disclose expressly lessons including exercises having Uniform Resource Locators (URLs). However, Pellegrino teaches lessons including exercises having URLs (i.e. link to an Internet site); Web browsers (Internet browser) on the teacher's computer and the student computers for communicating through a Web server (i.e. server computer) in response to URLs received from the teacher and student computers; wherein a teacher's computer and the students' computers include program instructions responsive to inputs to cause an exercise, including a Web page (i.e. Internet site) relating to a URL, to be displayed on the screen of at least one of the student computers. See Col.3: 49-54 and Col.6: 35-43. Therefore, at the time of the invention, it would have been obvious to one of ordinary skill in the art to incorporate the aforementioned limitations into the method and system of Ziv-EI, in light of the teaching of Pellegrino, in order to enable teachers to create customized lessons incorporating lesson material including text, audio, images, video and application program files.

Art Unit: 3714

2. [Claims 2-3, 24-25]: Regarding Claims 2-3 and 24-25, Ziv-El does not disclose expressly wherein the teacher and the students communicate through an Internet connection or through an Internet. However, Pellegrino teaches such in Col.6: 38-42. Therefore, at the time of the invention, it would have been obvious to one of ordinary skill in the art to incorporate the aforementioned limitations into the method and system of Ziv-El, in light of the teaching of Pellegrino, in order support remote and global use of the educational system.
3. [Claim 4]: Regarding Claim 4, Ziv-El discloses wherein the instructions for causing display of an exercise on a student's computer are executed by the teacher's computer in response to the inputs from the teacher, and wherein the exercise (e.g. spontaneous question) is displayed on a plurality of different computers. See Col.11: 29-41.
4. [Claim 5]: Regarding Claim 5, Ziv-El discloses wherein the teacher's computer includes program instructions for selecting a student response on a screen for display on the student computers. See Col.17: 18-21.
5. [Claim 6]: Regarding Claim 6, Ziv-El discloses wherein the teacher's computer is immediately responsive to an aggregate of correct and incorrect student responses. See Col.10: 65-Col.11: 5 and Col.12: 41-46.
6. [Claim 7]: Regarding Claim 7, Ziv-El does not disclose expressly wherein the teacher's computer includes program instructions responsive to teacher inputs to cause a Web page to be previewed on the screen of the teacher's computer by retrieval from the data storage server. However, Pellegrino teaches such in FIG. 34, Col.6: 11-14,

Art Unit: 3714

and Col.16: 28-33. Therefore, at the time of the invention, it would have been obvious to incorporate the aforementioned limitation into the method and system of Ziv-El, in light of the teaching of Pellegrino, in order to facilitate lesson development.

7. [Claim 9]: Regarding Claim 9, Ziv-El does not disclose expressly wherein the instructions for causing display of the exercise on the student's computer are executed by the student's computer in response to inputs from the student (i.e. "Start Lesson" button). However, Pellegrino teaches such in Col.9: 64-Col.10: 2. Therefore, at the time of the invention, it would have been obvious to one of ordinary skill in the art to incorporate the aforementioned limitation into the method and system of Ziv-El, in light of the teaching of Pellegrino, in order to enable a student to be presented with lesson material at the student's option.

8. [Claim 10]: Regarding Claim 10, Ziv-El discloses wherein the teacher's computer includes program instructions for selecting a student response on the teacher's screen for display on a class display working in combination with additional memory. See Col.17: 18-21.

9. [Claims 11, 21]: Regarding Claims 11 and 21, Ziv-El/Pellegrino does not disclose expressly wherein the teacher's computer includes program instructions for selecting a student response on the screen of the teacher's computer and subjectively modifying a score resulting from operation of the comparison and evaluation logic on response data received from at least one of the plurality of student computers and wherein the correctness of a response can be overridden by the teacher pointing to the response and arbitrarily assigning a score to the response using a dialog box. However, such is

Art Unit: 3714

old and well known in the art. Therefore, at the time of the invention, it would have been obvious to one of ordinary skill in the art to incorporate the aforementioned limitation into the method and system of Ziv-El/Pellegrino in order to compensate for a test evaluator disagreeing with a score generated by a computer.

10. [Claims 12 and 22]: Regarding Claims 12 and 22, Ziv-El discloses wherein the plurality of student computers are immediately responsive to a result of the comparison and evaluation logic through a feedback signal (i.e. reinforcement) receivable at each of the plurality of student computers. See Col.10: 65-Col.11: 1.

11. [Claim 15]: Regarding Claim 15, Ziv-El/Pellegrino does not disclose expressly program instructions responsive to teacher inputs to cause a Wait mode message to be sent to at least one student computer to block access to the response server. However, issuing messages to block access to systems or information is old and well-known in the art. Therefore, at the time of the invention, it would have been obvious to one of ordinary skill in the art to incorporate the aforementioned limitations into the method and system of Ziv-El/Pellegrino in order to monitor server traffic or prevent untimely or unauthorized access to the system.

12. [Claim 16]: Regarding Claim 16, Ziv-El does not disclose expressly wherein the teacher's computer and the plurality of student computers use respective Web browsers and communicate with at least one Web server; and wherein the program instructions on the student computers and the teacher's computer are provided by respective Web browsers (e.g. Student Home Page, Teacher Home Page). However, Pellegrino teaches such in Col.9: 28-38. Therefore, at the time of the invention, of the invention, it

Art Unit: 3714

would have been obvious to one of ordinary skill in the art to incorporate the aforementioned limitation into the method and system of Ziv-El, in light of the teaching of Pellegrino, in order to present a Web browser that is appropriate for the user.

13. [Claim 19]: Regarding Claim 19, Ziv-El does not disclose expressly wherein the teacher initiates the communication of the URL to the plurality of students, and the Web page of the Web site is automatically displayed. However, Pellegrino teaches such in the Abstract. Therefore, at the time of the invention, it would have been obvious to one of ordinary skill in the art to incorporate the aforementioned limitation into the method and system of Ziv-El, in light of the teaching of Pellegrino, in order to allow a teacher to utilize lesson material from a variety of sources, including a lesson material database, a database of existing lessons, and the Internet.

14. [Claim 23]: Regarding Claim 23, Ziv-El/Pellegrino does not disclose expressly wherein the teacher's computer includes program instructions for creation of an indicator on the Web page on the teachers screen which copies to the same positions on the corresponding Web pages of the screens of the student computers. However, creating indicators on images on one screen and copying them to the same positions on images on other screens is old and well known in the art. Therefore, at the time of the invention, it would have been obvious to one of ordinary skill in the art to incorporate into the method and system of Ziv-El/Pellegrino the aforementioned limitations in order to facilitate lecturing.

Art Unit: 3714

Claims 8 and 17 are rejected under 35 U.S.C. 103(a) as being unpatentable over Ziv-EI (US 5,438,555) in view of Pellegrino (US 6,149,441) and Sonnenfeld (US 6,112,049).

[Claims 8,17]: Regarding Claims 8 and 17, Ziv-EI/Pellegrino does not disclose expressly wherein the screen of the teacher's computer is immediately responsive to a Web link selected on the screen of at least one of the student computers. However, Sonnenfeld teaches wherein the screen (results can be viewed) of the teacher's computer is immediately responsive to a Web link (e.g. pause button) on the screen of at least one of the student computers. See Col.61: 15-23 and Col.62: 24-26. Therefore, at the time of the invention, it would have been obvious to one of ordinary skill in the art to incorporate the aforementioned limitation into the method and system of Ziv-EI/Pellegrino, in light of the teaching of Sonnenfeld, in order to facilitate recording, viewing, and analyzing responses.

Claims 13, 27-35, and 37 are rejected under 35 U.S.C. 103(a) as being unpatentable over Ziv-EI (US 5,438,555) in view of Pellegrino (US 6,149,441) and further in view of Shende et al. (US 6,341,212).

1. [Claims 13,27]: Regarding Claims 13 and 27, Ziv-EI/Pellegrino does not disclose expressly wherein the student computers display a window displaying at least one Web page and a question concerning the Web page and wherein the student computers display a window displaying at least one Web page associated with an external Web site and a question concerning the Web page. However, Shende teaches such in Col.5:

Art Unit: 3714

7-12. Therefore, at the time of the invention, it would have been obvious to one of ordinary skill in the art to incorporate the aforementioned limitation into the method and system of Ziv-El/Pellegrino, in light of the teaching of Shende, in order to test an examinee's ability to use an Internet browser to find answers to specific questions.

2. [Claims 28-29]: Regarding Claims 28 and 29, Pellegrino discloses wherein the teacher and the students communicate through an Internet connection or through an Internet. See Col.6: 38-42.

3. [Claim 30]: Regarding Claim 30, Ziv-El discloses wherein the instructions for causing display of an exercise on a student's computer are executed by the teacher's computer in response to the inputs from the teacher, and wherein the exercise (e.g. spontaneous question) is displayed on a plurality of different computers. See Col.11: 29-41.

4. [Claim 31]: Regarding Claim 31, Ziv-El discloses wherein the teacher's computer includes program instructions for selecting a student response on a screen for display on the student computers. See Col.17: 18-21.

5. [Claim 32]: Regarding Claim 32, Ziv-El discloses wherein the teacher's computer is immediately responsive to an aggregate of correct and incorrect student responses. See Col.10: 65-Col.11: 5 and Col.12: 41-46.

6. [Claim 33]: Regarding Claim 33, Ziv-El does not disclose expressly wherein the instructions for causing display of the exercise on the student's computer are executed by the student's computer in response to inputs from the student (i.e. "Start Lesson" button). However, Pellegrino teaches such in Col.9: 64-Col.10: 2. Therefore, at the

Art Unit: 3714

time of the invention, it would have been obvious to one of ordinary skill in the art to incorporate the aforementioned limitation into the method and system of Ziv-El, in light of the teaching of Pellegrino, in order to enable a student to be presented with lesson material at the student's option.

7. [Claim 34]: Regarding Claim 34, Ziv-El/Pellegrino/Shende does not disclose expressly wherein the teacher's computer includes program instructions for selecting a student response on the screen of the teacher's computer and subjectively modifying a score resulting from operation of the comparison and evaluation logic on response data received from at least one of the plurality of student computers and wherein the correctness of a response can be overridden by the teacher pointing to the response and arbitrarily assigning a score to the response using a dialog box. However, such is old and well known in the art. Therefore, at the time of the invention, it would have been obvious to one of ordinary skill in the art to incorporate the aforementioned limitation into the method and system of Ziv-El/Pellegrino/Shende in order to compensate for a test evaluator disagreeing with a score generated by a computer.

8. [Claim 35]: Regarding Claim 35, Ziv-El discloses wherein the plurality of student computers are immediately responsive to a result of the comparison and evaluation logic through a feedback signal (i.e. reinforcement) receivable at each of the plurality of student computers. See Col.10: 65-Col.11: 1.

9. [Claim 37]: Regarding Claim 37, Ziv-El/Pellegrino/Shende does not disclose expressly program instructions responsive to teacher inputs to cause a Wait mode message to be sent to at least one student computer to block access to the response

Art Unit: 3714

server. However, issuing messages to block access to systems or information is old and well-known in the art. Therefore, at the time of the invention, it would have been obvious to one of ordinary skill in the art to incorporate the aforementioned limitations into the method and system of Ziv-El/Pellegrino/Shende in order to monitor server traffic or prevent untimely or unauthorized access to the system.

Claims 14 and 20 are rejected under 35 U.S.C. 103(a) as being unpatentable over Ziv-El (US 5,438,555) in view of Pellegrino (US 6,149,441) and further in view of Anderson et al. (US 6,513,042).

1. [Claim 14]: Regarding Claim 14, Ziv-El/Pellegrino does not disclose expressly wherein at least one of the plurality of student computers has a screen which displays a separate response text box and an explanation text box; and wherein the comparison and evaluation logic is responsive to inputs to the two respective text boxes. However, Anderson teaches a screen that displays the response and explanation together in one box. See FIG.7D. Therefore, at the time of the invention, it would have been obvious to incorporate a screen that displays the response and explanation together in one text box into the method and system of Ziv-El/Pellegrino, in light of the teaching of Anderson, in order to provide a detailed score/results summary to user. Furthermore, it would have been obvious to one of ordinary skill in the art that it would have been an obvious matter of design choice whether to display a separate response text box and an explanation text box versus a single response and explanation together in one text box

Art Unit: 3714

wherein no stated problem is resolved or unexpected result is obtained by having two separate text boxes.

2. [Claim 20]: Regarding Claim 20, Ziv-El/Pellegrino does not disclose expressly wherein the student responses are compared and evaluated against a correct answer, and where the appearance of each response to the teacher is associated with the correctness (e.g. explanation if incorrect, no explanation if incorrect) of the response. See FIG.7D. Therefore, it would have been obvious to one of ordinary skill in the art to incorporate the aforementioned limitation into the method and system of Ziv-El/Pellegrino, in light of the teaching of Anderson, in order to facilitate viewing test results.

Citation of Pertinent Prior Art

The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

- Futakuchi (US 2001/0051330)
-comment database
- Dornbush et al. (US 6,471,521)
-collaborative training
- Slider et al. (US 6,505,031)
-teacher terminals, student terminals
- Elliot et al. (US 6,431,875)
-administering tests over a network

Art Unit: 3714

- Trenholm et al. (US 6,234,806)

-scoring of responses

Response to Arguments

Applicant's arguments have been considered but are moot in view of the new ground(s) of rejection. Therefore, this action made NON-FINAL.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Chanda L. Harris whose telephone number is 703-308-8358. The examiner can normally be reached on M-F 6:30am-4:00pm.


If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Tom Hughes can be reached on 703-308-1806. The fax phone numbers for the organization where this application or proceeding is assigned are 703-872-9302 for regular communications and 703-872-9303 for After Final communications.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is 703-308-1148.

ch.

ch.

July 9, 2003


JESSICA HARRISON
PRIMARY EXAMINER